



CITY COUNCIL AGENDA REPORT

MEETING DATE: February 22, 2005

ITEM NUMBER:

SUBJECT: ORDINANCE 05-2 AMENDING THE ZONING CODE TO MODIFY THE LAND USE MATRIX, PUBLIC NOTICE REQUIREMENTS, AND VARIOUS PERMIT PROCESSES

DATE: FEBRUARY 8, 2005

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: KIMBERLY BRANDT, PRINCIPAL PLANNER

FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT (714) 754-5604

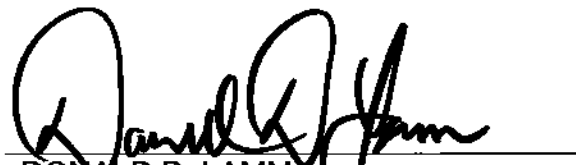
RECOMMENDATION:

Give second reading to Ordinance 05-2, which amends the Zoning Code (Title 13), modifying the land use matrix, public notice requirements, and various land use zoning permit processes.

BACKGROUND:

On February 7, 2005 Council gave an additional first reading to the attached ordinance to incorporate some minor changes. Staff has no further information to add regarding this ordinance.


KIMBERLY BRANDT
Principal Planner


DONALD D. LAMM
Deputy City Mgr. – Dev. Svcs. Director

DISTRIBUTION: City Manager
Assistant City Manager
City Attorney
Deputy City Manager – Dev. Svcs. Dir.
Public Services Director
City Clerk (2)
Staff (4)
File (2)

ATTACHMENTS: 1 Ordinance 05-2

ATTACHMENT 1

ORDINANCE 05-2

ORDINANCE NO. 05-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING THE ZONING CODE TO MODIFY THE LAND USE MATRIX, PUBLIC NOTICE REQUIREMENTS, AND VARIOUS PERMIT PROCESSES.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 13 of the Costa Mesa Municipal Code is hereby amended to read as follows:

a. Amend Section 13-28(e)(1), (2), and (5) to read as follows:

“(e) **Development review.** The following shall be subject to development review:

- (1) Single-story residential construction: In the R2-MD, R2-HD, and R3 zones, any single-story construction of 2 or fewer new single-story dwelling units. *Exception:* New single-story accessory buildings, such as garages or carports, single-story room additions, and other minor construction that comply with all applicable development standards shall not be subject to development review but shall be reviewed by the Planning Division.
- (2) Two-story residential construction: In the R2-MD, R2-HD, and R3 zones, any two-story construction on a lot where there are 2 or fewer dwelling units or any second-story addition on a lot with more than 2 dwelling units that complies with any residential design guidelines adopted by City Council.
- (5) Lot line adjustment; and”

b. Amend 13-28(g)(1) through (g)(2) to read as follows:

“(g) **Master plan.** Prior to development in the Planned Development (PD), Town Center (TC), Shopping Center (C1-S), and both Institutional and Recreational (I&R and I&R-S) zoning districts, a master plan is required. Preliminary master plans are required in the TC zone, are optional in PD zones, and are not required in C1-S, I&R-S, and I&R zones.

(1) Minor changes: Minor changes in the location, siting or character of buildings and structures may be authorized by the Planning Division if required by the final engineering or other circumstances not foreseen at the time the master plan was approved. No change authorized under this section may cause any of the following:

- a. A change in the use or character of the development;
- b. An increase in the overall density or floor area ratio of the development;
- c. An increase in overall coverage of structures;
- d. A reduction or change in character of approved open space;
- e. A reduction of required off-street parking;
- f. A detrimental alteration to the pedestrian, vehicular and bicycle circulation and utility networks; or
- g. A reduction in required street pavement widths.

- (2) Major amendments: Substantial amendments to the master plan encompassing one or more of the minor changes listed in subparagraphs (1a) through (1g), or any proposed change determined by the Development Services Director as a major amendment, shall be subject to review and approval by the Zoning Administrator. Furthermore, if the major amendment results in an overall building square footage that exceeds the maximum density or building square footage allowed by the approved master plan, the Zoning Administrator must find that the major amendment is consistent with the density, floor area ratio, and trip budget standards established by the General Plan, as applicable.

c. Amend Section 13-28(i)(1) to read as follows:

"i. **Minor design review.** The following shall be subject to minor design review.

- (1) Two-story residential construction that does not comply with any residential design guidelines adopted by the City Council in the following zones:
- (a) R1 zone: Any two-story construction or second-floor addition; and
 - (b) R2-MD, R2-HD, and R3 zones: Any two-story construction on a lot that results in 2 or fewer dwelling units or any second-story addition on a lot with more than 2 dwelling units."

d. Amend the following row of Table 13-29(c) to read as follows:

TABLE 13-29(c) PLANNING APPLICATION REVIEW PROCESS					
PLANNING APPLICATIONS	PUBLIC NOTICE REQUIRED	PUBLIC HEARING REQUIRED	RECOMMENDING AUTHORITY	FINAL REVIEW AUTHORITY	NOTICE OF DECISION REQUIRED
Lot Line Adjustment	No	No	None	Planning Division	No

e. Amend Section 13-29(d)(1) to read as follows:

- "(1) Mailed notice required. Notices of the hearing shall be mailed to all property owners within a 500-foot radius of the project site, except for applications for the construction of a building(s) 150 feet or more in height; these applications shall require a greater notice radius:

<u>Building Height in Feet</u>	<u>Notice Requirement</u>
More than 150 and less than or equal to 225	700-foot radius
More than 225 and less than or equal to 300	900-foot radius
More than 300	1,100-foot radius"

f. Amend certain rows of Table 13-30 to read as shown in Attachment A.

- g. Amend the following row of Table 13-44 to read as follows:

TABLE 13-44 COMMERCIAL PROPERTY DEVELOPMENT STANDARDS							
DEVELOPMENT STANDARDS	P	AP	CL	C1	C2	C1-S	TC
Master Plan	Not required					Required- The final review authority is the Planning Commission (see CHAPTER III PLANNING APPLICATIONS).	

- h. Amend Section 13-56 to read as follows:

"Sec. 13-56. MASTER PLAN REQUIRED

All development proposed in the Planned Development districts requires approval of a master plan pursuant to CHAPTER III PLANNING APPLICATIONS. The final review authority for the master plan shall be the Planning Commission."

- i. Amend Section 13-56(b) to read as follows:

"(b) Amendments to the master plan.

- (1) **Minor changes:** Minor changes in the location, siting or character of buildings and structures may be authorized by the Planning Division if required by engineering specifications or other circumstances not foreseen at the time the master plan was approved. No change authorized under this section may cause any of the following:
 - a. A change in the use of character of the development;
 - b. An increase in the overall density of the development;
 - c. An increase in overall coverage of structures;
 - d. A reduction or change in character of approved open space;
 - e. A reduction of required off-street parking;
 - f. A detrimental alteration to the pedestrian, vehicular and bicycle circulation and utility networks; or
 - g. A reduction in required street pavement widths.
- (2) **Major amendments.** Substantial amendments to the master plan encompassing one or more of the minor changes listed in subparagraphs (1a) through (1g), or any other proposed change determined by the Development Services Director as a major amendment, shall be subject to review and approval by the Zoning Administrator. Furthermore, if the major amendment results in an overall building square footage that exceeds the maximum density or building square footage allowed by the approved master plan, the Zoning Administrator must find that the major amendment is consistent with the density, floor area ratio, and trip budget standards established by the General Plan, as applicable.

Section 2. Environmental Determination. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt.

Section 3. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

Section 4. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 5. Publication. This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

PASSED AND ADOPTED this ____ day of _____, 2005

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk of the
City of Costa Mesa

City Attorney

I, Julie Folcik, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 05-____ was introduced and considered section by section at a regular meeting of said City Council held on the ____ day of _____, 2005, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the ____ day of _____, 2005, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this ____ day of _____, 2005.

Deputy City Clerk and ex-officio
Clerk of the City Council of the
City of Costa Mesa

ATTACHMENT A

TABLE 13-30 CITY OF COSTA MESA LAND USE MATRIX													
LAND USES	ZONES												
	R 1	R 2	R 2 H D	R 3	A P	C L	C 1	C 2	C 1 S	T C	M G	M P	P D
RESIDENTIAL USES													
	P ²	P ²	P ²	P ²	P ^{2,3}	P ² , ₃	P ² , ₃	P ² , ₃	P ² , ₃	P ² , ₃	P ² , ₃	P ² , ₃	P ² , ₃
21. Home occupations (subject to the requirements of CHAPTER IX, ARTICLE 6, HOME OCCUPATIONS)	P ²	P ²	P ²	P ²	P ^{2,3}	P ² , ₃	P ² , ₃	P ² , ₃	P ² , ₃	P ² , ₃	P ² , ₃	P ² , ₃	P ² , ₃
22. Home occupations that generate traffic and do not involve more than one customer/client at a time or more than 8 customers/clients per day (subject to the requirements of CHAPTER IX, ARTICLE 6, HOME OCCUPATIONS)	M C ²	M C ²	M C ²	M C ²	M C ² , ₃	M C ² , ₃	M C ² , ₃	M C ² , ₃	M C ² , ₃	M C ² , ₃	M C ² , ₃	M C ² , ₃	M C ² , ₃

1. Uses proposed in this zone are subject to verification of consistency with the adopted master plan. Uses not specified in the master plan, could be allowed, subject to the review process indicated in this matrix, if the proposed use is determined to be compatible with the adopted master plan.
2. This use is subject to the requirements of the referenced Municipal Code article or section.
3. If residential uses exist, accessory uses shall be permitted.
4. For the purposes of this table, the symbols in the non-shaded areas shall have the following meaning: C - Conditional Use Permit; MC - Minor Conditional Use Permit; P - Permitted; • - Prohibited

TABLE 13-30

CITY OF COSTA MESA LAND USE MATRIX

LAND USES		Z O N E S																			
		R 1	R 2 M D	R 2 H D	R 3	A P	C L	C 1	C 2	C 1 S ¹	T C ¹	M G	M P	P D R L D ¹	P D R M D ¹	P D R H D ¹	P D R N C M ¹	P D C I ¹	I & R ¹	I & R S ¹	P
COMMERCIAL AND INDUSTRIAL USES																					
45. Ambulance services		•	•	•	•	M C	M C	M C	M C	M C	M C	M C	•	•	•	•	•	M C	M C	•	•
48a. Antique malls		•	•	•	•	•	•	P	P	P	M C	M C	•	•	•	•	•	P	M C	•	•
52. Banks; Savings and Loans; and other Financial institutions		•	•	•	•	P	P	P	P	P	•	•	•	P	P	P	P	P	•	•	•
54. Barber and beauty shops		•	•	•	•	•	P	P	P	P	•	•	•	P	P	P	P	P	•	•	•
59. Reserved																					
60. Building supplies; Hardware stores (retail)		•	•	•	•	•	•	P	P	P	•	•	•	P	P	P	P	P	•	•	•
65. Coffee roasting		•	•	•	•	•	•	•	•	•	M C	M C	•	•	•	•	•	•	•	•	•
67. Commercial art; Graphic design		•	•	•	•	P	P	P	P	P	P	P	•	•	•	•	•	P	•	•	•
72. Department stores (retail)		•	•	•	•	•	•	P	P	P	P	•	•	•	•	•	•	P	•	•	•

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73. Electronic game machines (4 or more), incidental to the primary use, (subject to the requirements of CHAPTER IX, ARTICLE 5, ELECTRONIC GAME MACHINES) – Excluding Amusement centers listed separately	•	•	•	•	•	M C ²	M C ²	M C ²	M C ²	M C ²	M C ²	•	M C ²	M C ²	M C ²	M C ²	M C ²	•	•	•
79. Furniture repair and refinishing with incidental sales	•	•	•	•	•	•	P	P	•	P	P	•	•	•	•	•	P	•	•	•
80. Grocery stores - See also Supermarkets; Excluding Convenience stores; and Liquor stores listed separately	•	•	•	•	•	•	P	P	P	•	•	•	M C	M C	M C	M C	•	•	•	•
83. Hotels- Excluding Motels listed separately	•	•	•	•	•	•	C	C	C	•	•	•	C	C	C	P	•	•	•	•
84. Landscape services (installation and maintenance)	•	•	•	•	•	M C	P	P	•	P	P	•	•	•	•	•	P	•	•	•
85. Laundry, cleaning and garment services, including plants	•	•	•	•	•	P	P	P	P	P	P	•	P	P	P	P	P	•	•	•
95. Medical laboratories	•	•	•	•	M C	M C	P	P	P	M C	M C	•	•	•	•	M C	M C	•	•	•
97. Motels- (subject to requirements of CHAPTER IX, ARTICLE 8, MOTELS) Excluding Hotels listed separately	•	•	•	•	•	•	C ²	•	•	•	•	•	•	•	•	•	•	•	•	•
98. Motion picture and television studios	•	•	•	•	C	C	C	•	•	P	P	•	•	•	•	P	P	•	•	•

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110. Offices: Engineering; Architectural; and Surveying services; Management; Consulting and public relations	•	•	•	•	P	P	P	P	P	P	P	P	•	M C	M C	M C	P	P	•	•	•
111. Offices: General	•	•	•	•	P	P	P	P	P	P	M C	M C	•	M C	M C	M C	P	P	•	•	•
112. Reserved																					
113. Offices: Medical and dental	•	•	•	•	P	P	P	P	P	P	•	•	•	M C	M C	M C	P	M C	M C	•	•
122. Photography: Commercial	•	•	•	•	P	P	P	P	P	P	M C	M C	•	•	•	•	P	M C	•	•	•
125. Printing and publishing	•	•	•	•	•	•	M C	P	M C	M C	P	P	•	•	•	•	P	P	•	•	•
126. Recording studios	•	•	•	•	•	•	M C	M C	M C	•	M C	M C	•	•	•	•	M C	M C	•	•	•
130. Retail: General - Excluding Antique malls, Pawn shops, Supermarkets, Grocery stores, Convenience stores; and Liquor Stores listed separately	•	•	•	•	•	P	P	P	P	P	•	•	•	P	P	P	P	P	•	•	•
139. Storage of motor vehicles- outdoor (not including impound yard)	•	•	•	•	•	•	C	C	C	•	M C	M C	•	•	•	•	C	M C	•	•	•
139a. Storage of motor vehicles- indoor only (not including impound yard)	•	•	•	•	•	•	P	P	P	•	P	P	•	•	•	•	P	P	•	•	•

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142. Studios: Dance; Martial arts; Music, etc.	•	•	•	•	•	•	P	P	P	M C	M C	M C	•	M C	M C	M C	P	M C	•	•
143. Supermarkets - See also Grocery stores	•	•	•	•	•	•	P	P	P	P	•	•	•	M C	M C	M C	M C	•	•	•

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